

PATENT
P56103C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DOUGLAS E. TRENT *et al.*

Serial No.: 09/666,804

Examiner: WILLIAM L. BANGACHON

Filed: 21 September 2000

Art Unit: 2635

For: PORTABLE SECURITY CONTAINER

PETITION UNDER 37 C.F.R. §1.181

Paper No. 19

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully petitions from the incomplete Office action mailed on 9 June 2005 (Paper No. 20050509), as reasons therefore, states that:

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Date: 6/15/05
I.D.: REB/kf

STATEMENT OF FACTS

1. On the 9nd of June 2005, a non-final Office action was issued (Paper No. 20050509).
2. A PTO-892 form citing six (6) U.S. patent references was attached to Paper No. 20050509.
3. In paragraph 13 of Paper No. 20050509, the Examiner rejected claims 13 through 22 and 29 through 34 under 35 U.S.C. §103 for alleged unpatentability over Wagener, U.S. Patent No. 6,111,505, which was cited in the PTO-892 attached to Paper No. 20050509, in view of Hulick *et al.*, U.S. Patent No. 5,825,626.
4. The Hulick *et al.* '626 reference is not listed on the PTO-892 form attached to Paper No. 20050509.

REMARKS

Hulick *et al.* '626 is cited neither in any of the PTO-892 forms attached to the Office actions issued to date in this application, nor in any of the Information Disclosure Statements filed by Applicants in this application.

This is to say, the Office action (No. 20050509) is incomplete under 37 C.F.R. §1.104 (and *Manual of Patent Examining Procedure* §707.05) in that, the claims of the application were rejected based upon Hulick *et al.* '626 which is not made of record in the application.

Although current Office practice is not to provide copies of U.S. patents or U.S. patent publications with Office communications, and even though Examiner did indicate

the patent number of the Hulick *et al.* '626 reference that was being relied upon in the Office action, the Examiner did not list the Hulick *et al.* '626 reference on the citation of art, that is PTO-892, which accompanied the action. It is submitted, therefore, the Office action mailed on 9 June 2005 (Paper No.20050509) was deficient.

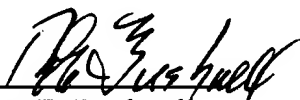
Given that the error was brought to the attention of the Office within one (1) month of the mailing date of the action, in accordance with MPEP §710.06, the time period for response should be reset and restarted with the re-mailing of the Supplemental Notice of references Cited (PTO Form 892).

RELIEF REQUESTED

In view of the above, the Commissioner is respectfully requested to direct the Examiner to:

- A. Issue a Supplemental Notice of references Cited (PTO Form 892) citing the Hulick *et al.* '626 reference;
- B. Re-start the period for response to expire not less than three (3) months from the date on which the Supplemental Notice of references Cited (PTO Form 892) is provided to Applicant by the Examiner; and
- C. Grant such other and further relief as justice may require.

Respectfully submitted,


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